

*Interlocal Agreement*  
***Construction Permits and Inspection Services***

THIS AGREEMENT, made and entered into by and between the COUNTY OF LANCASTER, a body politic and corporate of the state of Nebraska, hereinafter called "County" and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter called "City."

WHEREAS, the Interlocal Cooperation Act, §§ 13-801 through 13-827, Nebraska Revised Statutes (1943 as amended), provides that two or more local governmental units may enter into agreements with one another for joint or cooperative action pursuant to the provisions of the Act; and

WHEREAS, the "County" has the power to adopt construction codes by virtue of § 23-172, Nebraska Revised Statutes (1943 as amended), which codes are applicable throughout all of the County except farmsteads and except within the jurisdiction of any incorporated city or village and except within an unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction; and

WHEREAS, the City has the power to adopt construction codes which apply to the area within the City and within three miles of the corporate limits of the City outside of the jurisdiction of any organized city or village and except as to construction on farmsteads outside of the corporate limits by virtue of §§ 15-902 and 15-905 of the Nebraska Revised Statutes (1943 as amended); and

WHEREAS, the City has adopted construction codes and provides construction permits and inspection services through its Department of Building and Safety; and

WHEREAS, the County desires to enter into an agreement with the City whereby the City issues construction permits and provides inspection services for the County in areas of Lancaster County outside of the three mile jurisdiction of the City and outside of farmsteads and the jurisdiction of cities and villages.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

1. That the County adopt, as provided in § 23-172, Nebraska Revised Statutes, building, sign, flood plan, plumbing, mechanical, electrical, gas and fire codes (hereinafter collectively "construction codes") which have been adopted by the City from time to time by specific resolution which shall enumerate the construction codes and the appropriate edition thereof, in order to provide a uniform code for permit and inspection purposes.

That said adoptions shall be made within a reasonable time after adoption or changes in construction codes by the City, which in no instance shall exceed ninety days unless mutually agreed upon by the parties to this Agreement.

That the County's alternative to adopting said construction codes is to formally terminate this Agreement as set out in paragraph 8 hereof.

2. That as soon after the County has adopted the aforementioned codes as possible, the City will provide, through its Department of Building and Safety, construction code permit and inspection services for the county in Lancaster County outside of the jurisdiction of cities and villages excluding farmsteads as defined in § 15-902, Nebraska Revised Statutes. This service shall consist of issuing permits to individuals, firms, and corporations making application therefor to perform work, construction, reconstruction, additions, and modifications covered by the aforementioned codes, and to

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provide inspection services of the work while it is in progress to the same extent and in the same manner as provided for the City.

3. It is hereby expressly agreed that administration of permit and inspection services is the responsibility of the Director of the Department of Building and Safety and that staffing assignments pertaining thereto will lie solely with the Director of Building and Safety.

4. The City will issue permits, collect fees therefor, keep records for the County, and submit an annual statement of the same to the Lancaster County Board of Commissioners no later than June 1st of each year.

5. The fee schedule for granting said construction permits shall be adopted by the Lancaster County Board of Commissioners as submitted by the City. It is hereby expressly agreed that the fee schedules, and methods of determining fees, shall be consistent with those adopted by the City and shall be submitted and adopted by the County as such. It is also agreed that additional fees may be adopted by the County due to additional costs involved in performing inspection services.

In consideration of the services rendered to the County by the City under the terms of this Agreement, County shall pay the City an amount not to exceed the cost of operations minus related fee revenue. The Department of Building and Safety shall submit a bill to the County quarterly, which shall be due and payable upon receipt by the County, in which the Department of Building and Safety shall itemize the services rendered and the amount due for that quarter. Such bill shall be computed strictly on a cost-of-operation basis including actual vehicular costs as determined by the City's Department of Building and Safety.

6. It is expressly agreed by and between the parties that the enforcing authority of the aforementioned codes is the County, and all violations thereof shall be reported to the County Attorney's Office upon their discovery by the City's Department of Building and Safety.

7. The City will use a portion of the fees that it collects to replenish books, records, and other supplies needed to provide permit and inspection services under this Agreement.

8. It is expressly agreed by and between the parties hereto that the duration of this Agreement is perpetual but that either party may cancel this Agreement upon the rendition of sixty days' written notice to the other party. Upon termination of this Agreement, the City will turn over all of its records and accounts which it has kept of the construction permits and inspections, and all unused records; except the City may keep any unused books, records, and supplies which it has purchased from the fees collected. (City Resolution No. A-77954; March 3, 1997: Approved by County February 4, 1997.)